AO 440 (Rev. 02/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the

District of Delaware

XPOINT TECHNOLOGIES, INC.	)
_____	)
Plaintiff	)
v.	) Civil Action No. 09-cv-0628
MICROSOFT CORPORATION, et al.	)
_____	)
Defendant	)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*   Cypress Semiconductor Corporation
c/o The Corporation Trust Company
Corporation Trust Center
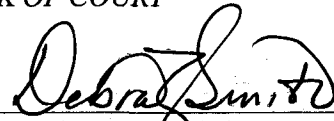1209 Orange Street
Wilmington, DE 19801

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: David J. Margules
Bouchard Margules & Friedlander
222 Delaware Avenue, Suite 1400
Wilmington, DE 19801

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: AUG 2 8 2009   _____

Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE
(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This summons for *(name of individual and title, if any)*   CYPRESS SEMICONDUCTOR CORPORATION

was received by me on *(date)*   8/31/09

□ I personally served the summons on the individual at *(place)*

_____ on *(date)* _____ , or

□ I left the summons at the individual's residence or usual place of abode with *(name)* _____

_____ , a person of suitable age and discretion who resides there,

on *(date)* _____ , and mailed a copy to the individual's last known address; or

☒ I served the summons on *(name of individual)*   SCOTT LASCALA (PROCESS AGENT)   , who is

designated by law to accept service of process on behalf of *(name of organization)*   CYPRESS SEMICONDUCTOR CORPORATION

C/O THE CORPORATION TRUST CO. 1209 ORANGE ST. WILMINGTON, DE   on *(date)* 8/31/09   , or

□ I returned the summons unexecuted because _____ , or

□ Other *(specify):*

_____

My fees are $ _____ for travel and $ _____ for services, for a total of $ _____

I declare under penalty of perjury that this information is true.

Date: 8/31/09 _____   _____
                                              Server's signature

                                        BARRY EVELAND
                                        _____
                                              Printed name and title

                                        BRANDYWINE PROCESS SERVERS, LTD
                                        PO BOX 1360
                                        WILMINGTON, DE 19899
                                        _____
                                              Server's address

Additional information regarding attempted service, etc: